

Remarks:

Prior to entry of the present amendments, claims 1-45 were pending in the application. The Examiner has, however, indicated restriction of the application to either claims 1-31 and 36-45 (Invention I) or claims 32-35 (Invention II) for examination purposes. The Examiner states the following inventions:

- I. Claims 1-31 and 36-45, drawn to a fluid ejection device; or
- II. Claims 32-35, drawn to a process of equalizing mean drop volume.

Responsive to the foregoing restriction requirement, applicants elect Invention I (claims 1-31 and 36-45), with traverse.

The Examiner further asserts that the application contains claims directed to the following patentably distinct species:

Species I Figures 4 and 5

Species II Figures 6 and 7

Species III Figures 8 and 9

Species IV Figures 10-13

Species V Figures 14-17

Claims 1 and 12 are indicated generic. No further explanation of the basis for the indication of distinct species is given.

In reviewing the indicated species (I-V), applicants note that Species I and IV relate to nozzles arranged according to an intended uniform probability distribution, and that Species II, III and V relate to nozzles arranged according to an intended normal probability distribution. The Examiner's proposed further designation of species is not understood.

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Applicants respectfully request that the requirement to elect a species be modified to allow election between species:

Species A Figures 4, 5 and 10-13

Species B Figures 6-9 and 14-17

Assuming that the proposed modification to the species is acceptable, applicants elect Species B (Figs. 6-9 and 14-17). In the event that the Examiner maintains the present characterization of species, applicants elect Species V (Figs. 14-17), with traverse.

Regarding the Examiner's requirement that applicants identify all claims readable on the elected species, applicants assert that claims 1, 2, 4-13, 15-23, 25-31, 36, 37 and 39-45 are readable on the elected species (regardless of whether Species B or Species V is elected).

Applicants note that the Examiner acknowledges that independent claims 1 and 12 are generic. Applicants assert that independent claims 23, 31 and 36 also are generic as they each read on all of the indicated species (Species I-V). Furthermore, dependent claims 2, 5-11, 13, 16-22, 26-30, 37 and 40-45 also are generic as they each read on all of the indicated species (Species I-V). Applicant thus understands that claims 1, 2, 4-13, 15-23, 25-31, 36, 37 and 39-45 will now be considered in the present application, and that claims 3, 14, 24 and 38 will be considered if any generic claim is found to be allowable.

If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner T. Nguyen, Group Art Unit 3729, Assistant Commissioner for Patents, at facsimile number (671) 273-8300 on January 25, 2006.


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